

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER, *et al.*,

Plaintiffs,

V.

EDUARDO ABEYTA, *et al.*,
and CELSO ARELLANO, *et al.*,

Defendants.

)
) **69cv07896 BB**
) **Rio Pueblo de Taos**
) **Adjudication**
)
) **69cv7939 BB**
) **Rio Hondo Adjudication**
) **(Consolidated)**
)
) **Rio Pueblo de Taos Section**
)
) **Cecil Howell Ditch No. 4**
) **Subfiles No. 27.8A & 27.8B**

**ORDER GRANTING MOTION TO AMEND DEFAULT ORDER AND
HYDROGRAPHIC SURVEY MAP, ADJUDICATE SUBFILE PRIORITY DATE, AND
CORRECT ORDER SUPPLEMENTING NOTICE OF SUBFILE RENUMBERING IN
SUPPLEMENT A**

The Court, having considered the March 16, 2009, Motion to Amend Default Order and Hydrographic Survey Map, Adjudicate Priority Date, and Correct Order Supplementing Notice of Subfile Renumbering in Supplement A (“State’s Motion”) (Doc. No. 5217), filed by the State of New Mexico *ex rel.* State Engineer (“State”), and no objection having been filed, and being otherwise fully advised in the premises, finds that the State’s Motion is well taken and that it should be GRANTED:

IT IS THEREFORE ORDERED,

1.. The January 27, 1978, Default Order (Doc. No. 1307.23) is amended as follows:

A. Surface water rights are hereby adjudicated appurtenant to the 8-acre tract shown on Pueblo Map 27 within the area labeled “Cecil Howell No. 4” that was erroneously omitted from the Default Order. These surface water rights are hereby designated as Subfile No. 27.8B;

B. The surface water rights in Subfile No. 27.8B are hereby adjudicated an 1890 priority date subject to *inter se* objections;

C. The surface water rights appurtenant to the 5.4-acre tract adjudicated in the Default Order, and which were renumbered by the State as Subfile No. 27.8A, are hereby adjudicated an 1890 priority date subject to *inter se* objections; and

D. The description of the surface water rights in Paragraph 3 of the Default Order is amended to state:

a. Location: Acreage: 5.4 acres

Section 32, Township 25N, Range 15E, N.M.P.M.
NW ¼, NE ¼

Purpose: Irrigation

State Engineer File No.: None

Priority: 1890

Point of diversion: The Gonzales Ditch diverts on the east bank of Tienditas Creek within the SW ¼ NE ¼ Sec. 32, T. 25N, R. 15E.

As shown on State Engineer Hydrographic Survey Map Sheet 27, Tract 8A.

b. Location: Acreage: 8.0 acres

Section 32, Township 25N, Range 15E, N.M.P.M.
NW ¼, NE ¼

State Engineer File No.: None

Priority: 1890

Point of diversion: The Cecil Howell Ditch No. 4 diverts on the west bank of an unnamed arroyo within the SW ¼ NE ¼ Sec. 32, T. 25N, R. 15E.

As shown on State Engineer Hydrographic Survey Map Sheet 27, Tract 8B.

2.. Pueblo Hydrographic Survey Map No. 27 is hereby amended in the manner shown on the attached *Exhibit 1*.

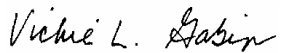
3. *Attachment A* to the Order Supplementing Notice of Subfile Renumbering in Supplement A (Order No. 5194, January 26, 2009) is hereby corrected to incorporate the amendments to the Default Order (Doc. No. 1307.23) by:

- A. striking all reference to Subfile Nos. 27.11 and 27.12 in *Attachment A*;
- B. changing the acreage amount in the second column of the table (captioned “Acreage”) for Subfile No. 27.8B from “Not adjudicated” to 8.0 acres; and
- C. amending the corresponding entry in the third column of the table (captioned “Document”) to include reference by date and docket number to the Order granting this Motion.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER